

## CRIMINAL COMPLAINT

9932 CR 0563

COURT DIVISION

FALL RIVER

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Scott W. Fink  
5 Merritt Ave.  
Tiverton, RI 02878

DEFT. DOB AND SEX

6/5/72 M

DATE OF OFFENSE(S)

ON or about 01/27/99

OFFENSE CODE(S)

605

PLACE OF OFFENSE(S)

91 Chavenson St. FFM

COMPLAINANT

John Champagne

POLICE DEPARTMENT (If applicable)

Fall River 99-1503

DATE OF COMPLAINT

01/28/99

RETURN DATE AND TIME

Arrest

COUNT-OFFENSE

a. ASSAULT AND BATTERY c265 s13A

did assault and beat Julie Souza, in violation of G.L. c.265, s.13A.

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

COMPLAINANT

FIRST JUSTICE

Antone S. Aguiar, Jr.

A TRUE  
COPY  
ATTEST: X

CLERK-MAGISTRATE/ASST. CLERK

X

DC CR 1 (12/95)

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

X

ON (DATE)

1/28/99

 ADDITIONAL  
COUNTS  
ATTACHED

COURT ADDRESS

Old Durfee High School  
289 Rock St.  
Fall River, MA 02720

DC CR 1 (12/95)

Filed 12/15/2005 Page 1 of 5

Trial Court of Massachusetts  
District Court Department



TO ANY JUSTICE OR CLERK-MAGISTRATE  
OF THE DISTRICT COURT DEPARTMENT;

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

<b>TENDER OF PLEA OR ADMISSION WAIVER OF RIGHTS</b>		DOCKET NO. <i>99-0563</i>	NO. OF COUNTS <i>1</i>	<b>Trial Court of Massachusetts District Court Department</b>
INSTRUCTIONS: This form must be typed or printed clearly, completed prior to the Pretrial Hearing, signed by both counsel and submitted to the court by the defendant at or before the Pretrial Hearing.		NAME OF DEFENDANT <i>Scott Fink</i>		COURT DIVISION Fall River District Court 45 Rock Street Fall River, MA. 02720
<b>SECTION I TENDER OF PLEA</b>				
Defendant in this case hereby tenders the following: <input checked="" type="checkbox"/> PLEA OF GUILTY <input type="checkbox"/> ADMISSION TO FACTS SUFFICIENT FOR A FINDING OF GUILTY conditioned on the dispositional terms indicated below. <i>Include all proposed terms (guilty finding, finding of sufficient facts, continued without finding, dismissal, fine, costs, probation period and supervision terms, restitution amount including the identification of the recipient of restitution, and any sentence of incarceration, split sentence or suspended sentence, etc.). Number each count and specify terms for each count separately.</i>				
COUNT NO.	DEFENDANT'S DISPOSITIONAL TERMS (Check "Yes" if Prosecution agrees - Check "No" If Prosecution disagrees)		PROSECUTOR'S RECOMMENDATION (Required if Prosecutor disagrees with terms)	
	<p>2 yrs sus for 2 yrs w/ batterer's counseling</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>		<p><i>2 yrs Game Board Sat 8 Battens. Counseling 2 yrs</i></p>	
<b>WE HAVE CONSULTED WITH THE PROBATION DEPARTMENT REGARDING ANY PROBATION TERMS SET FORTH ABOVE</b>				
SIGNATURE OF DEFENSE COUNSEL <i>K. Brian S. Fink</i>	DATE <i>4/28/99</i>	SIGNATURE OF PROSECUTING OFFICER <i>John B. Fink</i>		DATE
<b>SECTION II PLEA OR ADMISSION ACCEPTED BY THE COURT</b>				
The Court <input checked="" type="checkbox"/> ACCEPTS the tendered Plea or Admission on defendant's terms set forth in Section I, and will impose sentence in accordance with said terms, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.				
<b>SECTION III PLEA OR ADMISSION REJECTED BY THE COURT</b>				
The Court <input type="checkbox"/> REJECTS the defendant's dispositional terms set forth above and, in accordance with Mass. R. Crim. P. 12(c)(6), has set forth to the defendant the dispositional terms it would find acceptable, to wit:		DEFENDANT'S DECISION IF COURT REJECTS TENDERED PLEA OR ADMISSION		
<p><input type="checkbox"/> Defendant <b>WITHDRAWS</b> the tendered Plea or Admission; the parties must complete and file a Pretrial Conference Report, a Pretrial Hearing must be conducted and a trial date scheduled, if necessary.</p> <p><input type="checkbox"/> Defendant <b>ACCEPTS</b> terms set forth by the Court, a Plea or Admission will be accepted by the court and said dispositional terms imposed, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.</p>				
SIGNATURE OF JUDGE ACCEPTING OR REJECTING PLEA OR ADMISSION <i>Antone J. Aquino Jr.</i>	DATE <i>4/28/99</i>	SIGNATURE OF DEFENSE COUNSEL (If rejection decision made) <i>X</i>		DATE

**SECTION IV. DEFENDANT'S WAIVER OF RIGHTS (G.L.c. 263, § 6) & ALIEN RIGHTS NOTICE (G.L.c. 278, § 29D)**

I, the undersigned defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

I have discussed my constitutional and other rights with my attorney. I understand that the jury would consist of six jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether I was guilty or not guilty. I understand that by entering my plea of guilty or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my privilege against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until proven guilty by the prosecution beyond a reasonable doubt.

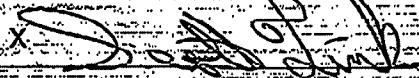
I am aware of the nature and elements of the charge or charges to which I am entering my guilty plea or admission. I am also aware of the nature and range of the possible sentence or sentences.

My guilty plea or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as set forth in Section I of this form. I have decided to plead guilty, or admit to sufficient facts, voluntarily and freely.

I am not now under the influence of any drug, medication, liquor or other substance that would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead guilty, or admit to sufficient facts to support a finding of guilty.

I understand that if I am not a citizen of the United States, conviction of this offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF DEFENDANT

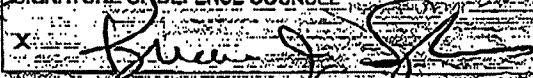


DATE

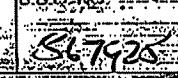

**SECTION V. DEFENSE COUNSEL CERTIFICATION**

As required by G.L. c. 218, § 26A, I certify that as legal counsel to the defendant in this case, I have explained to the defendant the above-stated provisions of law regarding the defendant's waiver of jury trial and other rights so as to enable the defendant to tender his or her plea of guilty or admission knowingly, intelligently and voluntarily.

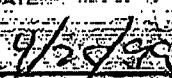
SIGNATURE OF DEFENSE COUNSEL



B.B.O. NO.



DATE

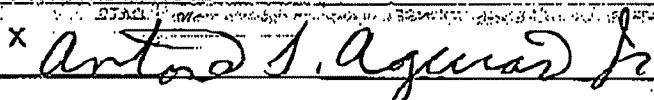

**SECTION VI. JUDGE'S CERTIFICATION**

I, the undersigned Justice of the District Court, addressed the defendant directly in open court. I made appropriate inquiry into the education and background of the defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section IV of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the defendant, that the defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

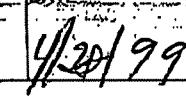
After a hearing, I have found a factual basis for the charge(s) to which the defendant is pleading guilty or admitting and I have found that the facts as related by the prosecution and admitted by the defendant would support a conviction on the charges to which the plea or admission is made.

I further certify that the defendant was informed and advised that if he or she is not a citizen of the United States, a conviction of the offense with which he or she was charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF JUDGE



DATE



## CRIMINAL DOCKET

DOCKET NO.

99G2 CR 0563

ATTORNEY NAME

B. SYLVIA

1195

4

COURT DIVISION <b>FALL RIVER</b>	<input type="checkbox"/> Interpreter Required (Language):
-------------------------------------	---

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

SCOTT W. FINK  
5 Merritt Ave.  
Tiverton, RI 02878

DEFT. DOB AND SEX

6/5/72 M 605

DATE OF OFFENSE(S) PLACE OF OFFENSE(S)

on or about 01/27/99 91 Chavenson St. FPM

COMPLAINANT POLICE DEPARTMENT (if applicable)

John Champagne Fall River 99-1503

DATE OF COMPLAINT RETURN DATE AND TIME

01/28/99 Arrest

DATE &amp; JUDGE

2-5-99

B21500

HJ

SCHEDULING HISTORY								
NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT	NOTE	JUDGE	TAPE NO.	START	STOP
1	2/25/99	H <del>NP</del>	WOBITI: Caged DUNFEE	1/30/00 9:00 AM REVIEW				
2	3/1/99	SC	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
3	4/28/99 JT	SC	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
4	6/26/99 PD	SC	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
5			<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
6	9/20/99	<input checked="" type="checkbox"/> MAY BE PAID FOR AN AMOUNT NOT TO EXCEED \$100.00 OF COURT.	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd	LH	WMS			
7			<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd	DEATH H. O'NEIL, 1ST JUSTICE	ISSUED			
8	12-3-99	<input checked="" type="checkbox"/> COMM	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
9	11-21-05	<input checked="" type="checkbox"/> COMM	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					
10	12/12/05	Status	<input type="checkbox"/> Hold <input checked="" type="checkbox"/> Cont'd					

ARR=Arraignment PT=Pretrial hearing CE=Discovery compliance & jury election T=Bench trial J=Jury trial PC=Probable cause hearing M=Motion hearing SR=Status review  
SRP=Status review of payments FA=First appearance in jury session S=Sentencing CW=Continuance-without-finding scheduled to terminate P=Probation scheduled to terminate  
DFA=Defendant failed to appear & was defaulted WAR=Warrant issued WARD=Default warrant issued WR=Warrant or default warrant recalled PR=Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
11-1-99	WMP Recalled Arrest CE
NOV - 2 1999	See notice served in hand.
DEC 3 - 1999	HEARING CANCELLED IN VIOLATION OF THE TERMS & CONDITIONS OF PROBATION (Command, a)
	G - 2 YRS OCHC COMMITTED
	NM CONC w/ 99-6726 SIX FEES RMTO
NOV 9 2005	WMT fees
NOV 10 2005	Ordered: Transportation of D to BART, No leave.
12-8-05	D's motion to withdraw guilty plea denied (McGraw)

## ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED

DATE IMPOSED & JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES & COMMENTS	WAIVED
JAN 28	Legal Counsel Fee (211D §2A §2)	\$100	DEC 3 - RMTO	
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §6)			
	Drug Analysis Fee (280 §6B)			
	OUI §24D Fee (90 §24D §8)			
	OUI Head Injury Surline (90 §24[1][a][1] §2)			
APR 28 1999 <i>Dempsey</i>	Probation Supervision Fee (276 §87A)	\$45.00	DEC 3 - RMTO	
	Default Warrant Assessment Fee (276 §30 §2)			
	Default Warrant Removal Fee (276 §30 §1)			